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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1259 OF 2007

Ashokkumar Sureshkumar Mehta Petitioner
versus
Nikhil Mahendra Kothari & ors. Respondents

Mr.Jayesh Bansilal Kocheta for petitioner.
Mr.N.R.Bubha for respondent no.1.

CORAM : A.S.OKA, J.

DATE : 06th March 2007

PC :

1. The petitioner is defendant no.3. There is a money decree against the petitioner as well as other two defendants. In appeal preferred by the petitioner against the money decree, an application for stay was filed by the petitioner. The Appellate Court has stayed the execution of the decree as against the petitioner subject to furnishing a bank guarantee in the decretal amount.

2. I have heard the submissions of the learned advocate for the petitioner. I find that the learned Appellate Court has made a departure from

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the usual rule of insistence on deposit of the decretal amount before the execution of the money decree is stayed. The learned Judge has granted stay subject to furnishing a bank guarantee. No case is made out for interference with the discretionary order passed by the Appellate Court. Petition is rejected. However, time for furnishing the bank guarantee is extended by a period of six weeks from today.

(A.S.OKA, J.)